

REMARKS

Claims 1-2 are pending. By this Amendment, Claims 3-4 are canceled without prejudice or disclaimer, and the subject matter recited therein incorporated into Claim 1 herein by amendment. Therefore, Applicants respectfully submits that no new matter is presented herein.

Entry of Response Proper

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner since the subject matter of Claims 3-4, which was previously considered by the Examiner, has now been incorporated into Claim 1 herein by amendment; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

Information Disclosure Statement

The Office Action notes that the reference DE 69227915 filed with the July 19, 2005 IDS and cited in the Search Report attached thereto was not considered because the Search Report and the reference are not in English. However, Applicants respectfully note that DE 69227915 was published in English as reference EP 0605660, which the Examiner considered according to the initialed PTO/SB/08a PTO date-

stamped July 19, 2005. Therefore, Applicants will not be submitting an English translation of DE 69227915 since the Examiner has already confirmed consideration of the information disclosed therein.

Claim Rejections – 35 U.S.C. §103

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over U.s. Patent No. 3,732,128 to Statham. Applicants respectfully traverse the rejection.

Claim 1 recites a process for thermally treating a light alloy casting, including a step of: heating under atmospheric pressure a light alloy casting up to a solid solution range and maintaining it at such heating temperature T; and a step of quenching the light alloy casting through a cooling medium while pressurizing it, ***wherein the step of quenching is carried out under the application of pressure P in a range of 10,000 psi < P ≤ 29,000 psi.***

Applicants note that Claims 3-4 previously recited the quenching step is carried out under a pressure that is greater than or equal to 200 bars and less than or equal to 2,000 bars. Applicants respectfully point out that the recited pressure range corresponds to 2,900 to 29,000 psi, which greatly exceeds the range taught by Statham. Rather, Applicants respectfully note that Statham merely teaches a range of 100 to 10,000 psi. Moreover, Applicants respectfully point out that the last sentence of the paragraph bridging pages 2-3 of the originally filed application states that the applied pressure is more effective at a higher value of the range.

As such, Applicants point out Claim 1 has been amended to recite the portion of the range which is not overlapped by the range taught by Statham, i.e., the pressure range exceeding Statham's upper limit of 10,000 psi.

Applicants respectfully submit a careful review of Statham fails to uncover such a feature being disclosed or taught therein.

For the reasons discussed above, Applicants respectfully submit that Statham fails to disclose or suggest each and every feature recited by Claim 1.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As such, because Statham fails to teach or suggest each and every feature recited by Claim 1 as required by M.P.E.P. §2143.03 to establish *prima facie* obviousness of a rejected claim, Applicants submit Statham does not anticipate nor render obvious the invention recited by Claim 1 of the instant application. Accordingly, respectfully submits Claim 1 should be deemed allowable over Statham.

Claim 2 depends from Claim 1. It is respectfully submitted that the dependent claim should also be deemed allowable for the reasons Claim 1 is allowable as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejection, allowance of Claims 1-2, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348.00363.**

Respectfully submitted,
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